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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,535	11/03/2000	Rudy Bonefas	35825-164588	5575
7590 MANELLI DENISON & SELTER PLLC ATTN: WILLIAM H. BOLLMAN 2000 M STREET, N.W. SUITE 700 WASHINGTON, DC 20016			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2478	PAPER NUMBER
			MAIL DATE 10/19/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/704,535

**Applicant(s)**

BONEFAS ET AL.

**Examiner**

BENJAMIN R. BRUCKART

**Art Unit**

2478

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-33, 56, 57 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-33, 56, 57 and 59-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### **Status of Claims:**

Claims 24-33, 56-57, 59-61 are pending in this Office Action.

Claims 1-23, 34-55, 58, and 62-68 are cancelled.

Claim 24 is amended.

The 35 U.S.C. 112 rejection is withdrawn in light of applicant's amendments and cancellation.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 10/4/10, have been fully considered but they moot in view new grounds of rejection. The reasons are set forth below.

#### **Applicant's invention as claimed:**

**Claims 24, 27-33; 56-59, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable under U.S. Patent No. 6,161,123 by Renouard et al. (Previously Cited) in view of U.S. Patent No. 6,101,545 by Balcerowski et al.**

Regarding claim 24, the Renouard reference teaches a method for supporting a communications network (Renouard: Fig. 3), comprising:

communication between a physical messaging network server and a wireless device (Renouard: Fig. 3; col. 6, lines 61- col. 7, line 5) utilizing a modified User Datagram Protocol (UDP) connectionless transport protocol comprised of a transport layer corresponding to a transport layer of an Open Systems Interconnection (OSI) model (Renouard: col. 4, lines 23-43 and col. 2, lines 13-20), using a peer wireless protocol layer (Renouard: Fig. 3-4; col. 6, lines 61- col. 7, line 5).

The Renouard reference fails to teach a transport layer modified to detect a duplicate message.

However, in analogous art, the Balcerowski reference teaches:

a transport layer to detect a duplicate message (Balcerowski: col. 3, line 1; col. 7, lines 47-50);

acknowledging said message duplication (Balcerowski: col. 7, lines 47-50);

discarding said duplicate message, in response to said detection of said duplicate message with said transport layer of said modified UDP connectionless transport protocol (Balcerowski: col. 7, lines 47-50) in order to allow resending expired or lost messages without acknowledgements of about sent messages (Balcerowski: col. 7, lines 39-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Renouard to include discarding duplicate messages as taught by Balcerowski in order to allow resending expired or lost messages without acknowledgements of about sent messages (Balcerowski: col. 7, lines 39-50).

Referring to claim 27, the method of claim 24, further comprising:

generating a standard packet for communication between said physical messaging network server and said wireless device during encapsulation (Renouard: col. 11, lines 1-26).

Referring to claim 28, the method of claim 27, wherein the standard packet includes at least one of: a header length; protocol flags; packet length; database ID; link station ID; message ID; customer ID; port number; network header, and; message body (Renouard: Fig. 10a and 10b, col. 11, lines 1-26).

Regarding claim 29, the method of claim 27, further comprising: a network header comprising at least one of: a compression indicator; a security indicator; a service type indicator; a message type indicator; and a server ID (Renouard: Fig. 10a and 10b, col. 11, lines 1-26).

Regarding claim 30, the method of claim 24, further comprising:

encapsulating a transport header (Renouard: Fig. 10A, tag 1004 within 1002);

notifying a sending device of a success or failure of a transmission (Renouard: col. 6, lines 10-21);

segmenting messages over a pre-determined length into message segments (Renouard: Fig. 10a and 10b, col. 11, lines 1-26);

assembling the messages segments into messages (Renouard: Fig. 10a and 10b, col. 11, lines 1-26);

resending messages that are not acknowledged within a pre-determined time (Renouard: col. 6, lines 19-25);

pacing a transmission of messages larger than a pre-determined number of segments (Renouard: col. 7, lines 61- col. 8, line 17);

detecting duplicate message segments (Balcerowski: col. 7, lines 47-50)); and

detecting duplicate messages (Balcerowski: col. 7, lines 47-50)).

Regarding claim 31, the method of claim 24, further comprising:

generating acknowledgement messages (Renouard: col. 6, lines 10-21);

processing the acknowledgement messages (Renouard: col. 6, lines 10-21);

By this rationale, "Official Notice" is taken that both the concepts and advantages of "compressing/decompressing and encrypting/decrypting messages" is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art to modify the system of modified Renouard to include compressing and decompressing as well as encrypting and decrypting messages in order to lower overhead and additional security when transmitting data.

Regarding claim 32, the method of claim 30, further comprising: encapsulating a communication layer (Renouard: Fig. 10a and 10b, col. 11, lines 1-26).

Regarding claim 33, the method of claim 31, further comprising:

processing application specific messages; providing special compression services; and providing special security services.

Regarding claim 56, the method of claim 24, further comprising:

searching a database based on a server type to identify said physical messaging network server, said physical messaging network server being of an intelligent messaging network server type that another physical messaging network server desires to connect with.

Regarding claim 57, the method of claim 56, further comprising

facilitating a handshake procedure to determine a validity of a connection between said physical messaging network server and said client device (Renouard: Fig. 4 and 7).

Regarding claim 59, the method of claim 24, wherein the physical messaging network server types comprise:

at least one of a protocol gateway server, message router server, and back-end server (Fig. 3, back end; col. 6, lines 61-65).

Regarding claim 61, the method of claim 24, further comprising:

encapsulating a network access protocol used to transmit data between said client device to said physical messaging network server, said network access protocol being transparent to said physical messaging network server receiving said data from said client device (Renouard: Fig. 10a and 10b, col. 11, lines 1-26; udp+ encapsulated in the IP header).

**Claims 25-26, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable under U.S. Patent No. 6,161,123 by Renouard et al. in view of U.S. Patent No. 6,101,545 by Balcerowski et al in further view of U.S. Patent No. 6,026,430 by Butman et al.**

Regarding claim 25, the modified Renouard reference teaches the method of claim 24.

The Renouard reference fails to teach registration.

However, in analogous art, the Butman reference teaches:

specifying a server class for said physical messaging network server during a registration of said physical messaging network server (Butman: col. 18, lines 54- col. 19, line 1) in order to disseminate information between diverse types and networks and facilitate standardization (Butman: col. 8, lines 26-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Renouard to include the registration steps of Butman in order to disseminate information between diverse types and networks and facilitate standardization (Butman: col. 8, lines 26-49).

Referring to claim 26, the method of claim 25, further comprising: specifying at least one of a packet header, an IP address, and a listener port during said registration (Butman: col. 28, lines 65- col. 29, line 15).

Regarding claim 60, the method of claim 25, wherein: said physical messaging network server class is associated with at least one of a network access protocol for a communications network connecting said client device and said physical messaging network server (Butman: col. 28, lines 65- col. 29, line 15).

### **REMARKS**

Applicant has amended the independent claim to recite the transport layer is modified to detect duplicate messages.

#### **The Applicant Argues:**

On page 7 of the response, regarding claims 24 and 25, applicant argues that the references do not teach 'discarding a duplicate message, in response to detection of the duplicate message with a transport layer of a modified UDP connectionless transport protocol.'

**In response,** the examiner respectfully submits:

UDP messages are by definition connectionless. See col. 3, lines 13-15 of Renouard and technical manuals. UDP messages are sent with sequence numbers for detecting both lost and duplicate messages (see cite in col. 7 of Balcerowski).

Applicant claims modification to a well known and used protocol. This modification is shown to already be known for discovery and treatment of duplicate messages with the exact

same protocol, UDP, as claimed. While Balcerowski teaches sequence numbers can be used for lost messages, the reference also teaches treatment of discarding duplicate messages.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claim 25, applicant argues Butman fails to teach “server class” for a physical messaging server.

The examiner directs applicant to col. 18, lines 54- top of col. 19 where server initializes or updates a group registry. The user names, and indicates the access type for this group and type of content (See Fig. 20b). The user is establishing the server class during the registration. Applicant's specification is silent as to further definition of a server class so the examiner has interpreted the server class to be the classification of type and content when registering the server and group. Applicant's arguments merely mention that a server class is not taught without any additional detail, definition or distinction from the cited prior art.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN R. BRUCKART whose telephone number is (571)272-3982. The examiner can normally be reached on 8:30-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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